

Provincial Health Authorities of North America; Maternity Center Association, National Committee of Health Council Executives; National Committee for Mental Hygiene; National Organization for Public Health Nursing; National Society for the Prevention of Blindness; National Tuberculosis Association.

The United States Children's Bureau and the United States Public Health Service are advisory members of the Council. The American Nurses' Association and the Foundation for Positive Health are associate members.

## LETTERS

### Concerning Mussel Quarantine by State Board of Health.

*To the Health Officers.*

#### MUSSEL QUARANTINE ORDER

A quarantine of all mussels from the ocean shore of California extending from the southern boundary of Los Angeles County north to the California-Oregon boundary, with the exception of the Bay of San Francisco, is hereby established.

All health officers and food inspectors are hereby instructed to enforce the provisions of this quarantine and to prohibit the taking, sale, or offering for sale, of mussels gathered in the district specified. This quarantine order shall be effective for the period June 1, 1937 to September 30, 1937.

Said action is taken for the preservation of the public health.

W. M. DICKIE, M. D.,  
*Director of Public Health.*

May 26, 1937.

### Concerning a proposed federal cancer law.

Los Angeles, May 21, 1937.

*To the Editor:*—Enclosed you will find a copy of a bill, H. R. 6767, which, after reading, I would explicitly request that you have your office return to me, as it is my only copy.

This bill was brought to our attention by Dr. James Percy, a member of the Executive Committee of the Los Angeles Cancer Society. This bill was discussed in executive meeting by this society last evening, and after an extended debate we felt that this bill, with its implied intent, should be brought definitely to the attention of the State Medical Association and also the Los Angeles County Medical Association. We do not know definitely when this will be presented to the Committee on Interstate and Foreign Commerce; however, newspaper statements three days ago were to the effect that the bill is now, or will soon be, in Committee. This, in turn, makes any action by the regular medical profession an emergency, if such is deemed expedient.

As secretary of the Los Angeles Cancer Society I have been appointed one of a committee of two to bring this bill before the attention of the Los Angeles County Medical Council. This meeting, however, is not to be held until the evening of June 7, and in conversation with Dr. E. Vincent Askey today, he suggests that I write you at once.

The Executive Committee of the Los Angeles Cancer Society feel that this legislation, if enacted and made a bill by Congress, will be another peg in the machine towards socialized and federal medicine. Heart disease could be made the next jump, or we might even say obstetrics, or any other branch of medicine which is not contagious, as is tuberculosis, syphilis and other venereal diseases, which the Government is now beginning to scoop up as they go merrily on their way to the federal control of our patients.

Having spent approximately nine years in the Medical Corps of the Navy, followed by twelve years in the Medical Reserve Corps of the Navy, I feel that I can foresee certain pernicious tendencies in a bill worded as this reads to me. Having seen certain naval dispensaries, situated in different cities in the United States, grow from one officer in charge to as high as twenty officers on duty ashore, in actual competition with the regular practice of medicine, I can easily anticipate another arm of an octopus build on

by performing this National Cancer Act, and placing it completely in control of the Surgeon-General of the Public Health Service. It is well to know that this Act, worded as it is, leaves one individual in complete control, which can, and undoubtedly will, be chiefly political, and the committee of six members appointed by the Surgeon-General will be given, by this Act, only an advisory capacity in the awarding of the \$1,000 gratuity offered annually to some outstanding research or clinical man. This committee apparently only being able to choose the men annually for the award mentioned in Section 6 (a) of the Act.

The bill, as you will note, was introduced by Congressman Maverick of Texas on April 29, 1937, and there will be a similar bill presented to the Senate.

Dr. Dudley Jackson, 1028 Nix Professional Building, San Antonio, Texas, writes to Doctor Percy that he has helped frame this legislation and has conferred with Surgeon-General Parran and other interested parties regarding the bill. Doctor Jackson writes that he is having the Texas State Medical Association endorse this bill. He also writes to Doctor Percy, "It will take outside pressure to put it over, and I know it fits in with your belief in cancer research."

Very truly yours,

C. HIRAM WEAVER, M. D.,  
*Secretary, Los Angeles Cancer Society.*

### Concerning a salesman of surgical instruments.

Los Angeles, May 14, 1937.

*To the Editor:*—Recently I purchased some instruments from a salesman by the name of Klein. At the time of purchasing the instruments I was under the impression, as a consequence of statements by Mr. Klein, that they were stainless steel and not chrome-plated. Subsequently, after further examination, I find that the instruments which I purchased are chrome-plated. I believe that they are of an inferior grade.

I believe this information ought to be brought to the attention of physicians in this State and, therefore, I request that it be published in CALIFORNIA AND WESTERN MEDICINE.

Respectfully yours,

JOHN P. LORDAN, M. D.

2007 Wilshire Boulevard.

### Concerning opportunities for physicians to Bolivia.

TREASURY DEPARTMENT  
UNITED STATES PUBLIC HEALTH SERVICE

Washington, May 14, 1937.

Dr. Walter M. Dickie  
State Director of Public Health  
San Francisco, California  
Dear Sir:

It has been brought to the attention of the Public Health Service that the National Department of Health of Bolivia is seeking to secure the services of one or more experts in the fields of hygiene, malaria, venereal diseases, and tuberculosis.

Nothing is known as to the amount of salary that might be paid for such services, nor of the tenure of office. It is understood, however, that the salary would be commensurate with the ability of the man or men to be employed. It is also assumed that the Bolivian Government would be willing to make the necessary arrangements with respect to transportation to Bolivia, together with certain guarantees for return to the States in the event of termination of an individual's services. It should be noted, however, that a change in administration in Latin American countries not infrequently results in the abandonment of enterprises of this nature, the same as in other countries, and anyone contemplating the acceptance of such a detail should not give up a satisfactory position here until definite arrangements are made for the one in prospect.

The request of the Bolivian Government is being brought to your attention with the thought that you may wish to refer it to someone within your State who might possess the desired qualifications, together with an ambition for

foreign service. Anyone who might be interested in applying for a position in Bolivia is advised to communicate with Medical Director B. J. Lloyd, United States Public Health Service, Assistant to the Director, Pan-American Sanitary Bureau, Washington, D. C.

By direction of the Surgeon-General.

C. E. WALLER,  
Assistant Surgeon-General, Domestic  
Quarantine Division.

#### Concerning Hotel Del Monte appreciation.

Del Monte, May 14, 1937.

Dear Doctor Warnshuis:

It is most gratifying to receive a letter such as yours of May 13 and I wish you to know that I sincerely appreciate the kind expressions contained therein.

I have passed on your words of praise to the Department Heads mentioned in your letter and, naturally, they were all most pleased to know that everything in connection with the California Medical Association went off so successfully.

It was indeed a pleasure to have you all with us, and I hope that you will find it possible to hold another convention here soon.

With many thanks and kindest regards, I am

CARL S. STANLEY, *Manager*.

Hotel Del Monte.

#### Concerning the impressions of Guest Speakers at Del Monte.

UNIVERSITY OF MICHIGAN: UNIVERSITY HOSPITAL  
DEPARTMENT OF OBSTETRICS AND GYNECOLOGY

Ann Arbor, May 14, 1937.

Dr. Frederick C. Warnshuis  
450 Sutter Street  
San Francisco, California

My dear Doctor Warnshuis:

Now that I am back facing reality again, I have plenty of time to meditate over the delightful meeting at California.

I was certainly impressed with the massive size of the State as well as the California Medical Association. Certainly, you people do things on a big scale.

As I told you just before I left, I am very grateful to the Association for inviting me out and want you to know that I enjoyed every moment of it.

Sincerely,

NORMAN F. MILLER, M. D.

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New York, May 12, 1937.

Dear Doctor Warnshuis:

I shall always remember with satisfaction the warm reception and cordial hospitality extended to me by the California Medical Association on my visit to Del Monte. You have accomplished a great purpose in uniting the medical profession and I congratulate you on the results of your efforts.

Very sincerely yours,

JESSE G. M. BULLOWA, M. D.

62 West Eighty-seventh Street.

#### Concerning California Medical Association's contribution to Lane Medical Library.

STANFORD UNIVERSITY SCHOOL OF MEDICINE  
OFFICE OF THE DEAN

San Francisco, May 17, 1937.

To the California Medical Association:—This acknowledges the receipt of check for \$1242.75 as the California Medical Association's contribution to Lane Medical Library for 1937. . . .

We are depending a great deal on such contributions, and it really gives us a chance to do things for doctors throughout the State which otherwise we could not do. The whole staff and the University join me in expressing our thanks.

Very truly yours,

L. R. CHANDLER, M. D., *Dean*.

## MEDICAL JURISPRUDENCE†

By HARTLEY F. PEART, ESQ.

San Francisco

### Requirements of California Minimum Wage Law as Applied to Professional Offices

In 1913, the California Legislature enacted a statute regulating the employment of women and minors and establishing an industrial welfare commission. This statute has subsequently become known as the "Minimum Wage Law."

After the decision of the United States Supreme Court in *Adkins vs. Children's Hospital*, 261 U. S. 525, in which the District of Columbia Minimum Wage Law was held unconstitutional, it was generally assumed that the California Minimum Wage Law was likewise unconstitutional. Last year when the Supreme Court held in *Morehead vs. New York*, 298 U. S. 587, that the New York Minimum Wage Law was unconstitutional, it was generally considered that all minimum wage laws, including the California Act, were beyond doubt unconstitutional.

On March 29, 1937, the United States Supreme Court by a five to four decision overruled the *Adkins* case and held that the Washington Minimum Wage Law is constitutional. This case, *West Coast Hotel Co. vs. Parish*, 81 L. Ed. 455, has received a vast amount of publicity, particularly in connection with a fundamental governmental issue which is now before the Congress of the United States.

The decision of the Supreme Court upholding the constitutionality of the Washington Minimum Wage Law is particularly significant with respect to the California Minimum Wage Law, because the Washington statute was also enacted in 1913 and in general contains practically the same provisions as are found in the California statute. It must, therefore, be assumed that since March 29, 1937, the California Minimum Wage Law has become a constitutional statute in so far as the constitutional questions considered by the United States Supreme Court in the Washington Minimum Wage Law case are concerned. With respect to the California Act, there is an additional constitutional question which has not received judicial construction as yet (in so far as this particular statute is concerned). The additional problem to which we refer is: Has the Legislature delegated legislative powers to the Industrial Welfare Commission? If the California Supreme Court should ever have this question before it and if it should decide that there has been a delegation of legislative power, the California Minimum Wage Law will, of necessity, be held to be in conflict with the California Constitution. However, considering that the California Minimum Wage Law has been in effect since 1913, it is not likely that an adverse decision with respect to delegation of power will be forthcoming. In any event, the powers granted by the Act to the Industrial Welfare Commission are not limitless and there is some precedent to justify the contention that no delegation of legislative power has been made. For all practical purposes, it is necessary to conclude that the decision of the United States Supreme Court in the Washington Minimum Wage Law removes all major doubts with respect to the constitutionality of the California Minimum Wage Law.

The recent turn of events in this field makes appropriate a consideration of the California Minimum Wage Law and a discussion of the rules and regulations issued by the Industrial Welfare Commission thereunder, particularly in so far as the rules and regulations relate to the medical profession. The California Act creates an industrial welfare commission of five members, at least one of whom shall be a woman. The Commission is given very broad powers. Possibly its most important powers are contained in Section 6 of the Act, which reads as follows:

The Commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this state which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

† Editor's Note.—This department of CALIFORNIA AND WESTERN MEDICINE, containing copy submitted by Hartley F. Peart, Esq., will contain excerpts from the syllabi of recent decisions and analyses of legal points and procedures of interest to the profession.